Kansas Department of Health and Environment

Division of Environment

Bureau of Air

REGULATORY IMPACT STATEMENT CONSISTING OF:

I. ENVIRONMENTAL BENEFIT STATEMENT

AND

II. ECONOMIC IMPACT STATEMENT

Pursuant to K.S.A. 77-416

PROPOSED AMENDMENT OF PERMANENT AIR QUALITY REGULATIONS:

K.A.R. 28-19-735, 28-19-750, & 28-19-750a

June 2010

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Background of Proposed Amendments

The Bureau of Air, within the Kansas Department of Health and Environment (KDHE), is proposing to amend certain Kansas Air Quality Regulations. Specifically, amendments are proposed for the following Kansas Administrative Regulations (K.A.R.):

- K.A.R. 28-19-735, "National Emission Standards for Hazardous Air Pollutants" (NESHAP) – adoption by reference of Title 40 of the Code of Federal Regulations, Part 61 (40 C.F.R. Part 61);
- K.A.R. 28-19-750, "Hazardous Air Pollutants; Maximum Achievable Control Technology" (MACT) – adoption by reference of 40 C.F.R. Part 63; and
- K.A.R. 28-19-750a, "Consolidated Federal Air Regulations; Synthetic Organic Chemical Manufacturing Industry" – adoption by reference of 40 C.F.R. Part 65.

Under delegated authority from the Environmental Protection Agency (EPA), the state of Kansas is the primary authority to implement and enforce federal standards that are adopted into the state regulations. Currently, this state authority exists only for the Part 61 and Part 63 federal rules promulgated through June 30, 2005, and for the Part 65 federal rules promulgated through June 30, 2003, the dates of the last adoption of these sets of federal regulations by Kansas. Kansas facilities, however, are subject to the provisions of the federal rules adopted after these dates, which the EPA has full authority to implement and enforce. The state must adopt the current federal regulations to gain the primary enforcement authority to administer the provisions of the standards. The purpose of the proposed amendments is to incorporate the federal changes to the standards since the last updates of K.A.R. 28-19-735, K.A.R. 28-19-750, and K.A.R. 28-19-750a. Once the state complies with the terms of the delegation agreement and adopts the proposed changes, Kansas will be granted the authority to administer the federal provisions of the Part 61, Part 63, and Part 65 standards as effective and published in the Code of Federal Regulations on July 1, 2008.

K.A.R. 28-19-735: National Emission Standards for Hazardous Air Pollutants (NESHAP)

K.A.R. 28-19-735 adopts by reference and thereby implements the federal provisions of 40 C.F.R. Part 61, NESHAP, as state requirements under the Kansas Air Quality Act. The Part 61 hazardous air pollutant (HAP) regulations establish standards to limit the emissions of specific

HAP. HAP are specifically-defined compounds or elements that are known or suspected to cause cancer or other serious health effects, such as reproductive effects or birth defects, or adverse environmental effects.

K.A.R. 28-19-750: Hazardous Air Pollutants; Maximum Achievable Control Technology (MACT)

Prior to the 1990 Clean Air Act Amendments (CAAA), the authorizing statute, section 112 (42 U.S.C. § 7412), directed the EPA Administrator to identify HAP for regulation. Under this, a limited number of regulations were developed to address specific compounds originating in certain industries. In the 1990 CAAA, Congress established a list of 189 HAP for which the Administrator was to develop controls. These are now administered under 40 C.F.R. Part 63, which the state implements in K.A.R. 28-19-750, Hazardous Air Pollutants; Maximum Achievable Control Technology.

K.A.R. 28-19-750a: Consolidated Federal Air Rule

K.A.R. 28-19-750a adopts by reference 40 C.F.R. Part 65, Consolidated Federal Air Rule, a federal rulemaking first published on December 14, 2000, that consolidated different requirements applicable to the Synthetic Organic Chemical Manufacturing Industry (SOCMI) to simplify requirements and enable facilities to comply more easily. This rule emerged from a federal initiative to streamline the compliance process for industry sectors affected by multiple rules. The Consolidated Federal Air Rule is a voluntary option for complying with the SOCMI requirements, but it does not alter the applicability of referencing subparts in 40 C.F.R. Parts 60, 61, and 63.

Federal Provisions Amended or Promulgated

The proposed regulations contain only one revision to 40 C.F.R. Part 61 (K.A.R. 28-19-735) and one revision to Part 65 (K.A.R. 28-19-750a), as EPA's focus has shifted principally to the Part 63 standards for source categories as the most effective means of reducing HAP emissions. Therefore, the majority of the rules and amendments being proposed for adoption fall under the Part 63 (MACT) standards, which are adopted in K.A.R. 28-19-750.

The following table lists the 40 C.F.R. Parts 61, 63, and 65 provisions that have been amended or promulgated since July 1, 2005, and up to June 30, 2008. (There were no changes to

Part 65 between July 1, 2003, and July 1, 2005.) Although listed, not all changes are recommended for adoption. Located in Appendix B is a brief discussion of the amendments that should be excluded from adoption. The table below provides the following information in chronological order: the part or subpart of the rule being regulated, the *Federal Register* publication date and citation, and the source that is regulated. (** Indicates not being proposed for adoption by reference.)

Part/Subpart	Federal Register Citation/Date	Sources Regulated
63.2450-63.2550 & Tables 1, 8, 9, 12 Subpart FFFF	70 FR 38554 July 1, 2005	Miscellaneous Organic Chemical Manufacturing
63.8055 Subpart HHHHH	70 FR 38780 July 6, 2005	Miscellaneous Coating Manufacturing
63 Table 1 Subpart B	70 FR 39662 July 11, 2005	Control Technology Determinations
63.1452-63.1453 Subpart QQQ	70 FR 40672 July 14, 2005	Primary Copper Smelting
63.7300-63.7322 Subpart CCCCC	70 FR 44285 August 2, 2005	Coke Ovens: Pushing, Quenching, and Battery Stacks
63.5490-63.5610 & Tables 1-6 Subpart UUUU	70 FR 46684 August 10, 2005	Cellulose Products Manufacturing
63.5790-63.5935 & Tables 1, 3-5, 7-9 Subpart WWWW	70 FR 50118 August 25, 2005	Reinforced Plastic Composites Production
63.2485 & Table 1 Subpart FFFF	70 FR 51269 August 30, 2005	Miscellaneous Organic Chemical Manufacturing
63.1503-63.1505 Subpart RRR	70 FR 57513 October 3, 2005	Secondary Aluminum Production
63.14 Subpart A; 63.1200-63.1221 Subpart EEE	70 FR 59402 October 12, 2005	Hazardous Waste Combustors (HWCs)
63.91 Subpart E	70 FR 59848 October 13, 2005	**Source Categories
63.842-63.850, Table 2, & Appendix A Subpart LL	70 FR 66280 November 2, 2005	Primary Aluminum Reduction Plants
63.1206 Subpart EEE	70 FR 75042 December 19, 2005	Hazardous Waste Combustors (HWCs)
63.61 Subpart C	70 FR 75047 December 19, 2005	Hazardous Air Pollutants
63.320 Subpart M; 63.340 Subpart N; 63.360 Subpart O; 63.460, 63.468, Appendix B Subpart T; 63.1500 & Appendix A Subpart RRR	70 FR 75320 December 19, 2005	Dry Cleaners, Halogenated Solvent Degreasers, Chrome Electroplaters, Ethylene Oxide Sterilizers, Secondary Aluminum Smelters

Part/Subpart	Federal Register Citation/Date	Sources Regulated
63.8055 Subpart HHHHH	70 FR 75924 December 21, 2005	Miscellaneous Coating Manufacturing
63.7507 & Appendix A Subpart DDDDD	70 FR 76918 December 28, 2005	**Industrial, Commercial, and Institutional Boilers and Process Heaters: Reconsideration
63.3481-63.3561& Table 4 Subpart KKKK	71 FR 1378 January 6, 2006	Surface Coating of Metal Cans
63.9792-63.9824 & Tables 1, 2, 4, 5, 7, 8, 10, 11 Subpart SSSSS	71 FR 7415 February 13, 2006	Refractory Products Manufacturing
63.14 Subpart A; 63.2232-63.2292, Table 4 & Appendices A-C Subpart DDDD	71 FR 8342 February 16, 2006	Plywood and Composite Wood Products
63.2445 Subpart FFFF	71 FR 10439 March 1, 2006	Miscellaneous Organic Chemical Manufacturing
63.1220 Subpart EEE	71 FR 14655 March 23, 2006	Hazardous Waste Combustors (HWCs)
63.428 Subpart R	71 FR 17352 April 6, 2006	Gasoline Distribution Facilities
63.360-63.368 Subpart O	71 FR 17712 April 7, 2006	Sterilization Facilities
63.701-63.708 Subpart EE	71 FR 17720 April 7, 2006	Magnetic Tape Manufacturing
63.400 Subpart Q	71 FR 17729 April 7, 2006	Industrial Process Cooling Towers
63.8985-63.9075 & Tables 1, 3, 5, 7 Subpart NNNNN	71 FR 17738 April 7, 2006	Hydrochloric Acid Production
63.9792-63.9824 & Tables 1, 2, 4, 5, 7, 8, 10, 11 Subpart SSSSS	71 FR 19435 April 14, 2006	Refractory Products Manufacturing
63.6 Subpart A-63.9925 Subpart TTTTT; 65.2-65.6 Subpart A; 65.115 Subpart F; 65.156-65.163 Subpart G	71 FR 20446 April 20, 2006	General Provisions
63.820-63.830 & Appendix A Subpart KK; 63.3300 Subpart JJJJ; 63.4281 Subpart OOOO	71 FR 29792 May 24, 2006	Printing and Publishing Industry
63.8395 Subpart JJJJJ; 63. 8545 Subpart KKKKK	71 FR 36014 June 23, 2006	C.F.R. Technical Correction
63.7783-63.7852 & Tables 1-4 Subpart FFFFF	71 FR 39579 July 13, 2006	Integrated Iron and Steel Manufacturing Facilities
63.2435-63.2550 & Tables 2-6, 12 Subpart FFFF	71 FR 40316 July 14, 2006	Miscellaneous Organic Chemical Manufacturing
63.320-63.324 Subpart M	71 FR 42724 July 27, 2006	National Perchloroethylene Air Emission Standard for Dry Cleaning

Part/Subpart	Federal Register Citation/Date	Sources Regulated
63.14 Subpart A; 63.2338-63.2406 & Tables 2-5, 7-12 Subpart EEEE	71 FR 42898 July 28, 2006	Organic liquids distribution (non gasoline)
63.323 Subpart M	71 FR 55280 September 21, 2006	National Perchloroethylene Air Emission Standard for Dry Cleaning
63.7985-63.8105 Subpart HHHHH	71 FR 58499 October 4, 2006	Miscellaneous Coating Manufacturing
63.1206, 63.1220 Subpart EEE	71 FR 62388 October 25, 2006	Hazardous Waste Combustors (HWCs)
63.7881-63.7957 & Tables 1, 3 Subpart GGGGG	71 FR 69011 November 29, 2006	Site Remediation
63.14 Subpart A; 63.7491-63.7575 & Table 6 Subpart DDDDD	71 FR 70651 December 6, 2006	**Industrial Commercial and Institutional Boilers and Process Heaters
63.1342-63.1344, 63.1346, 63.1349-63.1351, 63.1355-63.1356 Subpart LLL	71 FR 76518 December 20, 2006	Portland Cement Manufacturing
63 Tables 2, 4 Subpart F; 63.119-63.132 & Tables 9, 34, 36 Subpart G	71 FR 76603 December 21, 2006	Synthetic Organic Chemical Manufacturing Industry
63.3080-63.3176 Subpart IIII; 63.3881 Subpart MMMM; 63.4481 Subpart PPPP	71 FR 76922 December 22, 2006	Surface Coating of Automobiles and Light-Duty Trucks
63.14 Subpart A; 63.760-63.775 Appendix to Subpart HH of Part 63 Tables	72 FR 26 January 3, 2007	Source Categories from Oil and Natural Gas Production Facilities
63.14 Subpart A; 63.11140-11145 Subpart DDDDDD; 63.11146-11152 & Table 1 Subpart EEEEEE; 63.11153-11159 & Table 1 Subpart FFFFFF; 63.11160-63.11168 & Table 1 Subpart GGGGGG	72 FR 2930 January 23, 2007	Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Copper Smelting, Primary Nonferrous Metals: Zinc, Cadmium, and Beryllium.
63.3081-63.3176 & Table 1 Subpart IIII; 63.4481 Subpart PPPP	72 FR 20227 April 24, 2007	Surface Coating of Automobiles and Light-Duty Trucks; Surface Coating of Plastic Parts and Products
63.460-63.471 Subpart T	72 FR 25138 May 3, 2007	Halogenated Solvent Cleaning
61.02 & 61.13 Subpart A; 63.2, 63.7 & 63.91 Subpart A	72 FR 27437 May 16, 2007	General Provisions
63.1103 Subpart YY	72 FR 35663 June 29, 2007	Generic MACT Definition Correction
63.11148-63.11150 Subpart EEEEEE; 63.11153-63.11157 Subpart FFFFFF	72 FR 36363 July 3, 2007	Primary Copper Smelting and Secondary Copper Smelting Area Sources

Part/Subpart	Federal Register Citation/Date	Sources Regulated
63.14 Subpart A; 63.11393-63.11399 & Table 1 Subpart LLLLLL; 63.11400-63.11406 Subpart MMMMMM; 63.11407-63.11413 & Tables 1-2 Subpart NNNNNN; 63.11414-63.11420 & Table 1 Subpart OOOOOO; 63.11421-63.11427 & Table 1 Subpart PPPPPP; 63.11428-63.11434 & Table 1 Subpart QQQQQQ	72 FR 38864 July 16, 2007	Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving
65.2 Subpart A; 65.157 Subpart G	72 FR 48938 August 27, 2007	General Provisions
63.14 Subpart A; 63.2231-63.2291, Appendices B & C Subpart DDDD	72 FR 61060 October 29, 2007	Plywood and Composite Wood Products
63.14 Subpart A	72 FR 64860 November 16, 2007	Equipment Leaks of VOC in Synthetic Organic Chemical Manufacturing Industry and Petroleum Refineries
63.14 Subpart A; 63.11435-63.11447 & Table 1 Subpart RRRRRR; 63.11448-63.11461 & Tables 1-2 Subpart SSSSSS; 63.11462-63.11474 & Table 1 Subpart TTTTTT	72 FR 73180 December 26, 2007	Area Sources: Clay Ceramics Manufacturing, Glass Manufacturing, and Secondary Nonferrous Metals Processing
63.14 Subpart A; 63.10680-10692 & Table 1 Subpart YYYYY	72 FR 74088 December 28, 2007	Area Sources: Electric Arc Furnace Steelmaking Facilities
63.10382-63.10448 & Table 1 Subpart WWWWW	72 FR 73611 December 28, 2007	Hospital Ethylene Oxide Sterilizers
65.157 Subpart G	72 FR 73625 December 28, 2007	General Provisions
63.14 Subpart A; 63.10880-63.10906 & Tables 1-4 Subpart ZZZZZ	73 FR 226 January 2, 2008	Iron and Steel Foundries Area Sources
63.14 Subpart A; 63.11169-63.11180 & Table 1 Subpart HHHHHH;	73 FR 1738 January 9, 2008	Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources
63.14 Subpart A; 63.11080-11100 & Tables 1-3 Subpart BBBBBB; 63.11110-63.11132 & Tables 1-3 Subpart CCCCCC	73 FR 1916 January 10, 2008	Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities

Part/Subpart	Federal Register Citation/Date	Sources Regulated
63.14 Subpart A; 63.6580-63.6675, Tables 1A, 1B, 2A, 2B, 4, & 8 Subpart ZZZZ	73 FR 3568 January 18, 2008	Reciprocating Internal Combustion Engines
63.14 Subpart A; 63.7681-63.7765 & Table 1 Subpart EEEEE	73 FR 7210 February 7, 2008	Iron and Steel Foundries
63.11173 Subpart HHHHHH	73 FR 8408 February 13, 2008	Correction: Paint Stripping and Miscellaneous Surface Coating Operations
63.14 Subpart A; 63.11092-63.11095 Subpart BBBBBB; 63.11117-63.11124 Subpart CCCCCC	73 FR 12275 March 7, 2008	Correction: Source Categories: Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities
63.11399 Subpart LLLLLL; 63.11406 Subpart MMMMMM; 63.11410-63.11413 Subpart NNNNNN; 63.11416-63.11420 & Table 1 Subpart OOOOOO; 63.11423-63.11427 & Table 1 Subpart PPPPPP; 63.11432-11434 & Table 1 Subpart QQQQQQ	73 FR 15923 March 26, 2008	Amendments to National Emission Standards for Hazardous Air Pollutants for Area Sources: Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving
63.320-63.324 Subpart M	73 FR 17252 April 1, 2008	National Perchloroethylene Air Emission Standards for Dry Cleaning Facilities
63.1203-63.1220 Subpart EEE	73 FR 18970 April 8, 2008	Hazardous Waste Combustors
63.2343-63.2358 & Tables 2, 5-7, 10 Subpart EEEE	73 FR 21825 April 23, 2008	National Emission Standards for Hazardous Air Pollutants: Organic Liquids Distribution (Non-Gasoline)
63.13 Subpart A	73 FR 24870 May 6, 2008	**General Provisions
63.11113, Table 1 Subpart CCCCCC	73 FR 35939 June 25, 2008	Amendment: Gasoline Dispensing Facilities

I. Environmental Benefit Statement

1) Need for proposed amendments and environmental benefit likely to accrue.

a) Need

These amendments are needed to maintain the state's authority under existing delegation agreements to administer the federal regulations and to ensure that the Kansas Air Quality

Regulations are current and consistent with the federal requirements. The state is delegated primary authority for the NESHAP and MACT standards adopted under the particular Kansas Air Quality Regulations proposed herein for amendment. However, with respect to federal changes (additions, revocations, or amendments) made to these standards since the last date of state adoption, the state must adopt these new provisions and receive approval from EPA for the authority to implement and enforce such standards in the state. Currently, the EPA is the implementing authority in the state for the standards promulgated after June 30, 2003, for 40 C.F.R. Part 65 and after June 30, 2005, for Part 61 and Part 63. There exists a split in the authority to enforce these rules, with Kansas primacy for rules in effect on July 1, 2003 (Part 65) and on July 1, 2005 (Parts 61 and 63), and EPA for those after. This split or dual regulatory authority for implementation and enforcement of the standards subject to this rule-making could result in loss of consistency of application and possible confusion for the regulated community regarding the relative roles of the state and federal agencies. This adoption of changes, followed by the request to EPA for approval of the authority, will resolve these potential problems.

b) Environmental benefit

The proposed revisions are not expected to result in specific environmental benefits beyond those already achieved by the federal promulgation. The standards are currently in effect and are administered by the EPA, meaning the affected facilities are already subject to the standards. One of the major benefits of state promulgation is that facilities will be able to work with the state, rather than the EPA, to achieve compliance. Providing implementation at the state level will enhance consistency in the application of the regulations.

2) When applicable, a summary of the research indicating the level of risk to the public health or the environment being removed or controlled by the proposed rules and regulations or amendment.

For the NESHAP and MACT standards, which address HAP, Section 112 of the Clean Air Act (CAA) directs the EPA Administrator to "promulgate regulations establishing emission standards for each category or subcategory of major sources and area sources of HAP" (42 U.S.C. § 7412(d)(1)). Under Section 112(b) of the CAA, Congress established the list of HAP that were shown to provide a threat of adverse human health effects. The EPA has conducted or

utilized research on the health effects of the various HAP, which has guided their promulgation of the standards being adopted. Emission standards are necessary to reduce emissions released into the atmosphere to attain the air quality standards that are specified in the CAA. Each standard has been subjected to peer review and often to litigation. (Further details can be found at EPA's Air Toxics website, http://www.epa.gov/ttn/atw/area/arearules.html, and in the docket at http://www.regulations.gov . Specific docket access information is contained within each *Federal Register* notice.)

3) If specific contaminants are to be controlled by the amendment, a description indicating the level at which the contaminants are considered harmful is provided according to current available research.

As noted above, these determinations have been made at the federal level through extensive research; the state rules are no more stringent than the federal rules.

II. Economic Impact Statement

1) Are the amendments mandated by federal law as a requirement for participating in or implementing a federally subsidized or assisted program?

Yes, under the federal CAA and the EPA-Kansas delegation agreements, the state of Kansas is required to adopt the most recent federal rules as state-enforceable rules in order to gain the authority to administer and enforce the new standards statewide. Additionally, the continued approval of the overall state air quality program is based in part upon the state periodically updating its regulations to coincide with federal regulations promulgated by the EPA.

2) Do the proposed amendments exceed the requirements of applicable federal law?

No, the standards are identical to the federal standards, as the federal standards are adopted *verbatim* by reference. Under section 112 of the CAA (42 U.S.C. § 7412(l)(1)), the NESHAP and MACT standards adopted by the state must be no less stringent than the federal requirements. Additionally, pursuant to the 2009 Senate Substitute for House Bill No. 2369, Sec. 23 (b)(1), the standards are no more stringent, restrictive, or expansive than those required under the federal clean air act.

3) Description of costs to agencies, to the general public and to persons who are affected by, or are subject to, the regulations:

a) Capital and annual costs of compliance with the proposed amendments and the persons who will bear those costs.

It is a condition of the EPA's approval of the state's Title V operating permit program that the state periodically update these state standards to incorporate new federal regulations. Failure to adopt these proposed state regulation amendments will not result in the federal standards being rendered inapplicable to sources, but, as previously discussed, would instead result in a dual regulatory structure. If the amendments are not implemented and the EPA were to withdraw approval of the state plan, then the CAA provisions, including the Title V operating permit program, would be administered solely by the EPA.

It is important that the state continue to maintain the regulations in a current status, as the state's air program achieves a level of economic efficiency in the administration of the Title V permit program. This results in direct financial savings to the regulated facilities within Kansas. Approval of Kansas' Title V permit program also authorizes Kansas to be the sole collector of application fees and costs. Although minor, these costs provide a source of revenue to the state.

The cost of compliance for facilities will not be increased, *per se,* by the proposed state rulemaking, because these rules are already in force at the federal level. Regardless of whether the state adopts the amendments, facilities are already subject to the costs associated with the federal standards. Because the state adopts these *verbatim*, and adds no additional requirements, no additional costs to the regulated community are imposed by the proposed state action. Although these facilities will already be subject to regulation, cost estimates for affected facilities are provided when the proposed regulation produces an economic impact.

In certain cases, the rules incorporated into the state standards by the proposed amendments have the effect of reducing or delaying the economic impacts on sources, or have no economic impact. Although some of the rules require stricter emission standards or add-on controls, often there is ultimately no economic change because the existing NESHAP and MACT standards already require the technology needed to implement the new rules. Some of the rules listed are

merely technical corrections, with no actual change in requirements, therefore leading to no economic impact (*e.g.*, 71 *Federal Register* 36014, 6/23/2006, (date correction); 72 *Federal Register* 35663, 6/29/2007, (correction); 73 *Federal Register* 17252, 4/1/2008, (clarifications and corrections)). Additionally, some standards adopted or amended by the EPA regulate facilities or groups of facilities that do not currently exist within the state (*e.g.*, copper smelting).

Some actions result in cost savings for certain facilities. One example is the rule eliminating methyl ethyl ketone (MEK) as a HAP (published on December 19, 2005, in the *Federal Register* on pages 75047-75059). Sixty-eight Kansas facilities that reported MEK as HAP in 2004 will no longer be required to report MEK as a source of HAP. For one facility, the effect of this amendment was a reduction in HAP emissions to below major source thresholds that will save an estimated $10,000 in engineering fees associated with permitting and administrative costs over five years and approximately $550 in annual inventory fees. Another example is the rule permanently exempting area sources in five source categories (dry cleaners, halogenated solvent degreasers, chrome electroplaters, ethylene oxide sterilizers, and secondary aluminum smelters) from the Title V operating permit program (published on December 19, 2005, in the *Federal Register* on pages 75320-75346). This regulation relieved approximately 120 Kansas facilities of Title V permit requirements, providing a five-year estimated cost savings of $10,000 per facility.

The table above provided a list of all the regulations adopted by the *Federal Register* for NESHAP and MACT from July 1, 2005 to June 30, 2008. A more detailed summary of each action that has been determined to cause an economic impact, either positive or negative, is provided below. Where EPA collected data regarding national economic and cost impacts of a regulation, the analysis has been provided in the summary. To create an impact analysis, the EPA uses models to estimate economic, social, and air impacts. For further information concerning proposed amendments <u>not</u> causing or contributing to an economic impact in Kansas, please see Appendix A. Regulations that were published in the *Federal Register* that are not being proposed for adoption are listed in Appendix B along with a summary of why they should be excluded.

The following are the amendments being proposed for adoption that have been determined to cause an economic impact, positive or negative. They are currently contained in the *Federal Register*, 40 C.F.R. Part 63:

Hazardous Waste Combustors

- **63.14 Subpart A; 63.1200-63.1221 Subpart EEE**

October 12, 2005 Volume 70: 59402-59579

This action finalizes National Emission Standards for Hazardous Air Pollutants (NESHAP) for Hazardous Waste Combustors (HWC). This action revises old emission standards for Phase I sources, and sets new emission standards for Phase II sources. Previously regulated Phase I sources include: incinerators, cement kilns, and lightweight aggregate kilns. Phase II sources include boilers and hydrochloric acid production furnaces. Phase I and Phase II sources will now be subject to Maximum Achievable Control Technology (MACT) standards.

Cost/Economic Impact:

In Kansas, four hazardous waste combustors are registered; however, only three of them are in use. Two of the sources are cement kilns; the other is a liquid fuel-fired boiler subject to the Phase II standards. The EPA's economic impact of this amendment for these types of facilities is as follows: a total engineering cost, *excluding* permitting and administrative, for liquid fuel boilers and cement kilns estimated to average $256,300 and $113,600 per source, respectively. The total average annualized non market-adjusted compliance costs for liquid fuel-fired boilers and cement kilns are estimated at $274,500 and $39,700 per source, respectively. Liquid fuel-fired boilers are projected to experience an average incremental control costs at approximately $37 per ton of waste burned, and cement kilns are projected to experience average incremental control costs of approximately $3.00 per ton. (Cost/economic impact data is provided within this *Federal Register* on pages 59529-59530.)

List of Hazardous Air Pollutants

- **63.61 Subpart C**

December 19, 2005 Volume 70: 75047-75059

This action amends the list of Hazardous Air Pollutants (HAP) specific to 40 C.F.R. Part 63. This amendment removes methyl ethyl ketone (MEK) from the federal HAP list. In a separate rulemaking, KDHE is proposing to amend K.A.R. 28-19-201 to update the list to conform to the current federal HAP list, which includes eliminating methyl ethyl ketone as a HAP.

Cost/Economic Impact:

There were 68 facilities in Kansas that reported MEK as HAP in 2004. These facilities will no longer be required to report MEK as a source of HAP. In addition, this amendment effectively lowered HAP emissions from one facility to below major source thresholds, and this facility will no longer be classified as a major source of HAP due to MEK and therefore will not be required to fulfill requirements associated with Title V operating permit program. The estimated 5-year total engineering (including permitting and administrative) cost savings for this facility is $10,000, with a direct annual cost savings of approximately $550 for inventory fees associated with MEK.

Non-Major Area Sources

- **63.320 Subpart M; 63.340 Subpart N; 63.360 Subpart O; 63.460, 63.468, & Appendix B Subpart T; 63.1500 & Appendix A Subpart RRR**

December 19, 2005 Volume 70: 75320-75346

This action finalizes permanent exemptions for specific non-major area sources. The amendment allows exemption from the Title V operating permit program for five source categories: dry cleaners,

halogenated solvent degreasers, chrome electroplaters, ethylene oxide sterilizers, and secondary aluminum smelters. EPA determined that it is too impracticable, infeasible, and burdensome to comply.

Cost/ Economic Impact:

This regulation provided significant relief for approximately 120 facilities throughout Kansas. The estimated 5-year total engineering (including permitting and administrative) cost savings is approximated at $10,000 per facility.

Perchloroethylene from Existing and New Dry Cleaning Sources

- **63.320-63.324 Subpart M**

July 27, 2006 Volume 71: 42724-42746

This action finalizes the amendments made to the standards to limit the emissions of perchloroethylene (PCE) from existing and new dry cleaning sources, which was promulgated on September 22, 1993. This action is amending the standards based on new research and also revising technical errors. For new and existing major sources, this rule requires implementation of a leak detection and repair (LDAR) program and use of dry-to-dry machines that do not vent to the atmosphere. For existing area sources, this rule prohibits use of existing transfer machines and requires implementation of a leak detection and repair (LDAR) program. This rule prohibits use of all existing transfer machines by requiring owners or operators of existing major or area sources to eliminate any PCE emissions from clothing transfer between the washer and dryer. For new area sources, requirements include implementation of an LDAR program and use of non-vented dry-to-dry machines with a refrigerated condenser and secondary carbon adsorber.

Cost/Economic Impact:

Currently, Kansas has approximately 81 area sources that would be affected by this regulation. Each facility that is an existing area source will be required to implement enhanced LDAR. The minimum cost of a halogenated hydrocarbon detector is approximately $250. Installation of new transfer machines was prohibited by the 1993 Dry Cleaning NESHAP. With the typical useful life of 10 to 15 years, most transfer machines have already been replaced. Economic impacts are considered negligible. (Cost data is provided within this *Federal Register* on page 42740.)

Portland Cement Manufacturing

- **63.1342-63.1344, 63.1346, 63.1349-63.1351, 63.1355-63.1356 Subpart LLL**

December 20, 2006 Volume 71: 76518-76552

This action promulgates EPA's final rule amendments in response to the D.C. Circuit U.S. Court of Appeals' remand of the June 14, 1999, NESHAP for new and existing sources in the Portland Cement Manufacturing industry and in response to comments received on the proposed amendments published on December 2, 2005. EPA's final rule amendments result from review and consideration of setting standards based on the performance of the maximum achievable control technology (MACT) floor standards for hydrogen chloride (HCL), mercury (Hg), total hydrocarbons (THC), and metal hazardous air pollutants (HAP). EPA concluded that the standards for mercury for all existing cement kilns are to remove accumulated mercury-containing cement kiln dust (CKD) from the system at the point product quality is adversely affected. New sources are to utilize the same work practice and to meet a standard of either 41 μg/dscm or a site-specific limit based on performance of a properly designed and operated wet scrubber. The use of utility boiler fly ash in cement kilns is banned where the fly ash mercury content has been increased through the use of activated carbon or any other sorbent unless it can be demonstrated that the use of that fly ash will not result in an increase in mercury emissions over baseline emissions. EPA determined that further control of HCl emissions from new or existing cement manufacturing plants is not necessary. The final amendments also require that existing kilns and in-line kilns/raw mills must implement GCP (good combustion practices) designed to minimize THC from fuel combustion. GCP

include training all operators and supervisors to operate and maintain the kiln, calciner, and pollution control systems in accordance with good engineering practices. New sources must meet a THC standard of either 20 ppmv or a 98 percent reduction in THC emissions from uncontrolled levels. For new sources that elect to meet mercury or THC emissions limits using ACI (activated carbon injection), the operating and monitoring requirements for ACI that are applicable when ACI is used for dioxin control are incorporated here. For particulate matter (PM, the surrogate for non-volatile HAP metals), EPA concluded that well-designed and properly operated fabric filters and electrostatic precipitators designed to meet the new source performance standards (NSPS) for Portland cement plants represent the MACT floor technology for control of PM from kilns and in-line kiln/raw mills.

Cost/Economic Impact:

In Kansas, four facilities are registered for Portland cement manufacturing. The only requirement for existing sources that poses any cost implication is the requirement to keep records of CKD wastage. These costs are estimated to be small. For new kilns constructed on or after December 2, 2005, the final amendments require installation of THC monitors. The THC monitor cost is considered to be insignificant. However, the costs for ACI or for wet scrubber/RTO systems are significant. The annual control cost for a new kiln with a clinker capacity of 650,000 tons/year (the model for EPA's analysis) would be up to $597,000 for kilns that apply ACI, $1.5 million for a kiln that applies a wet scrubber, and $3.9 million for a kiln that applies a scrubber/RTO (2002 dollars). (Cost data provided within this *Federal Register* on pages 76546-76547.)

Oil and Natural Gas Production Facilities

- **63.14 Subpart A; 63.760-63.775 & Appendix Subpart HH**

January 3, 2007 Volume 72: 26-43

This action promulgates NESHAP for Source Categories from Oil and Natural Gas Production Facilities. This action finalizes the NESHAP for area sources only, as major sources were finalized in 1999. In this rule, the affected source is defined as each triethylene glycol (TEG) dehydration unit located at an area source oil and natural gas production facility. This final rule regulates benzene emissions from TEG dehydration units at area source facilities within three newly created subcategories based on annual average natural gas flow rate. For TEG dehydration units with either an annual average natural gas flow rate less than 85,000 m3/day or benzene emissions less than 0.90 Mg/year (1.0 tpy), generally available control technology (GACT) was determined to be no controls for these sources. TEG dehydration units with an average annual natural gas flow rate equal to or greater than 85,000 m3/day and benzene emissions equal to or greater than 0.90 Mg/year (1.0 tpy) are further subcategorized based on their locations relative to areas of higher population densities, urbanized areas (UA), urban clusters (UC) that contain 10,000 people or more, and the area located two miles or less from each UA boundary. This rule refers to these areas as "UA plus offset and UC." Area source TEG dehydration units with natural gas flow rates and benzene emission rates above the cutoff levels that are located within UA plus offset and UC boundaries are to be connected, through a closed vent system, to one or more emission control devices.

Cost/Economic Impact:

KDHE records indicate that there are fewer than fifteen facilities located in Kansas that may be subject to this subpart; however, most of them have already added controls. For existing facilities within UA plus offset and UC boundaries that do not have add-on controls, the total capital investment is estimated at approximately $17,000 per year, and the total annual cost is estimated at approximately $17,600 per year. If a new facility were to be added, the total capital invested estimated cost for a single facility would be $11,668 per year, and the total annual cost would be $16,667 per year. For facilities required to implement management practices, the total annual cost would be approximately $740. (Cost data provided within this *Federal Register* on page 32, table 2 of preamble.)

Halogenated Solvent Cleaning

- **63.460-63.471 Subpart T**

May 3, 2007 Volume 72: 25138-25159

This action promulgates revised standards to limit emissions of methylene chloride (MC), trichloroethylene (TCE), and perchloroethylene (PCE) from facilities engaged in halogenated solvent cleaning. The revised standards are more stringent in order to protect public health. This rule sets a facility-wide emission limit of 60,000 kg/yr MC equivalent applicable to all halogenated solvent cleaning machines with the exception of those used by the following industries: facilities that manufacture narrow tubing, facilities that manufacture specialized products requiring continuous web cleaning, aerospace manufacturing and maintenance facilities, and military depot maintenance facilities. Emission limits are set also for each single halogenated solvent. When a facility's total halogenated solvent emissions from its degreasing operations exceed the applicable emission limits, the facility must implement means to comply with these amended standards. For area sources, cold batch cleaning machines are excluded from this rule.

Cost/Economic Impact:

KDHE records indicate that Kansas has fourteen halogenated solvent cleaning facilities using the listed HAP. The EPA estimated that for individual facilities to comply with the revised standards, the capital costs per facility would range from $15,000-$800,000 with an average cost of about $200,000. However, more than 60% of the facilities implementing control technology would recognize a cost savings primarily from reducing solvent consumption. (Cost impact is provided within this *Federal Register* on page 25155.)

Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving

- 63.14 Subpart A; 63.11393-63.11399, Table 1 Subpart LLLLLL; 63.11400-63.11406 Subpart MMMMMM; 63.11407-63.11413, Tables 1-2 Subpart NNNNNN; 63.11414-63.11420, Table 1 Subpart OOOOOO; 63.11421-63.11427, Table 1 Subpart PPPPPP; 63.11428-63.11434, Table 1 Subpart QQQQQQ.

July 16, 2007 Volume 72: 38864-38917

This action establishes NESHAP requirements for the seven area source categories listed above. Due to the breadth of the document, each separate area source category will be treated in succession.

Acrylic and Modacrylic Fibers Production

- **63.11393-63.11399 & Table 1 Subpart LLLLLL**

July 16, 2007 Volume 72: 38864-38917

For any new or existing facilities that are HAP area sources, this action applies NESHAP to emissions from the control devices for polymerization and monomer recovery process equipment, spinning lines at plants that do not have a monomer recovery process, and acrylonitrile (AN) tanks. EPA exempted this source category from Title V requirements because it was found that such requirements were "unnecessarily burdensome."

Cost/Economic Impact:

There currently are no acrylic and modacrylic fibers production area sources in Kansas.

Carbon Black Production

- **63.11400-63.11406 Subpart MMMMMM**

July 16, 2007 Volume 72: 38864-38917

This action establishes NESHAP for each new or existing carbon black production facility that is an area source of HAP and requires each owner or operator to control HAP emissions from each carbon black production main unit filter process vent that has a HAP concentration exceeding a specified limit.

Cost/Economic Impact:

There currently are no carbon black production area sources in Kansas; therefore, no substantial economic cost resulting from the adoption of this regulation is expected.

Note: The Columbia Chemicals carbon black plant in Ulysses has long been regulated as a major source of emissions. This regulation only applies to area sources, and thus does not affect the Columbia Chemicals plant.

Chemical Manufacturing of Chromium Compounds

- **63.11407-63.11413, Tables 1 & 2 Subpart NNNNNN**

July 16, 2007 Volume 72: 38864-38917

This action establishes NESHAP for new or existing area sources that manufacture chromium compounds. It requires facilities to operate a capture system that collects gases and fumes from each emissions source and conveys the gases to a PM control device that controls emissions to the levels required in the rule.

Cost/Economic Impact:

There currently are no area sources that chemically manufacture chromium compounds in Kansas.

Lead Acid Battery Manufacturing

- **63.11421-63.11427 & Table 1 Subpart PPPPPP**

July 16, 2007 Volume 72: 38864-38917

This action establishes a NESHAP for new and existing lead acid battery manufacturing plants that are area sources. It establishes emissions limits for grid casting, paste mixing, three-process operations, lead oxide manufacturing, lead reclamation, and other lead emitting processes specified in the New Source Performance Standards (NSPS) for lead acid batteries (40 C.F.R. 60.372). This action establishes opacity limits as well. EPA also exempted lead acid battery manufacturing facilities from Title V requirements because it was found that such requirements were "unnecessarily burdensome." This NESHAP does not place additional testing and monitoring requirements for sources that are equipped with a scrubbing system, due to their similarity with NSPS requirements.

Monitoring, Recordkeeping and Reporting: This action places daily or weekly monitoring, recordkeeping, and reporting requirements upon facilities equipped with a fabric filter (depending on the filter specifications), and also requires daily recordkeeping and reporting for facilities that use scrubbing systems. General monitoring, recordkeeping, and reporting requirements and initial and compliance notification for all affected facilities are stated in subpart A.

Cost/Economic Impact:

For three affected sources in Kansas, the only additional requirements concern recordkeeping and reporting tasks as these sources already have the necessary control technologies. As a result of the associated EPA Information Collection Request (ICR), it is estimated that the adoption of this regulation will cost the national industry a total of 2,302 labor hours per year, with a monetary expenditure of $172,477 for approximately 60 existing sources, or approximately $2,875 per source, and capital/startup costs of $4,840 ($81 each) averaged over three years. As of publication of this *Federal Register* notice,

no new sources were expected to be constructed in the next three years. (Data provided within this *Federal Register* on page 38897.)

The economic impact of this regulation is expected to be small.

Wood Preserving

- **63.11428-63.11434 & Table 1 Subpart QQQQQQ**

July 16, 2007 Volume 72: 38864-38917

This action establishes NESHAP for new and existing wood preserving plants that are area sources. It requires that plants limit emissions from process tanks and equipment and storage, handling, and transfer operations. EPA exempted this source category from Title V requirements because it was found that such requirements were "unnecessarily burdensome."

Cost/Economic Impact:

There currently are no wood preserving area sources in Kansas.

Hospital Ethylene Oxide Sterilizers

- **63.10382 - 63.10448 & Table 1 Subpart WWWWW**

December 28, 2007 Volume 72: 73611-73625

This action establishes NESHAP for any existing or new hospital ethylene oxide sterilization facility area source of HAP. It requires the management practice of sterilizing items with common aeration times in full loads, unless it is a medical necessity to do otherwise. Alternatively, control technology may be implemented to achieve reductions in ethylene oxide emissions that are at least equivalent to the reductions resulting from the management practice. EPA determined that hospital sterilizer area sources are not required to obtain Title V permits solely for the purposes of this NESHAP.

Recordkeeping and Reporting: Initial notification and compliance certification are required for both the management practice and control technologies described above. Each hospital ethylene oxide sterilization facility not using add-on control technology must keep on site records of the date and time of each sterilization operation and must indicate when less than a full load is sterilized due to medical necessity. Only minor cost is expected due to the EPA Information Collection Request (ICR).

Cost/Economic Impact:

EPA estimates that the annualized national costs for implementation of this action will be approximately $32,000-$61,000 for the 1,900 hospital sources ($17 to $32 per source) that use ethylene oxide sterilization around the country. Additionally, no capital costs are required by this action. It is estimated that there are few, if any, affected facilities in Kansas; an exact number could not be obtained. (Cost/economic impact provided within this *Federal Register* on page 73620.) No significant economic impact is expected due to this action.

Electric Arc Furnace Steelmaking Facilities (Area Sources)

- **63.14 Subpart A; 63.10680 - 63.10692 & Table 1 Subpart YYYYY**

December 28, 2007 Volume 72: 74088-74116

This action establishes NESHAP for new and existing electric arc furnace (EAF) steelmaking facilities that are area sources. The final rule establishes requirements for the control of mercury emissions based on the maximum achievable control technology (MACT) and for the control of other hazardous air pollutants based on generally available control technology (GACT) or management practices. The final MACT standards for mercury are based on pollution prevention. An EAF owner or operator who melts scrap from motor vehicles is required either to purchase, or otherwise obtain, the scrap only from providers participating in and EPA-approved program for mercury switch removal or to fulfill the alternative requirements. Final GACT standards require the owner or operator to install, operate, and maintain capture systems for EAF and AOD (argon oxygen decarbonization) vessels that

convey collected emissions to a scrubber or baghouse for removal of particulate matter (PM). Separate emissions limits are set for facilities that produce less than 150,000 tons per year of stainless or specialty steel and for larger, non-specialty facilities. GACT standards also require EAF facilities to restrict use of certain scrap or follow a pollution prevention plan for scrap inspection and selection that minimizes the amount of specific contaminants in the scrap.

Cost/Economic Impact:

Nationwide, the capital cost of the final standards is estimated at $69 million. The total annualized cost is estimated at $13 million, including the annualized cost of capital and annual operating costs for emissions control systems. The additional cost of monitoring, reporting, and recordkeeping, including the preparation of scrap management plans and specifications, is estimated at $122,000 per year. (See page 74108 in this *Federal Register* notice.)

There currently are no facilities in Kansas that are subject to this rule.

Iron and Steel Foundries (Area Sources)

- **63.14 Subpart A; 63.10880 - 63.10906 & Tables 1- 4 Subpart ZZZZZ**

January 2, 2008 Volume 73: 226-265

This action establishes NESHAP for new and existing iron and steel foundry area sources of HAP. Different standards apply to these foundries, depending upon classification as either new or existing and as small or large. For existing sources, a small foundry is defined as having an annual metal melt production of 20,000 tons or less, while a large foundry exceeds that limit. For new sources, a small foundry is defined to have an annual melt capacity of 10,000 tons or less, while a large foundry exceeds that limit. Both small and large foundries must take steps to ensure that HAP generating materials are not in metal scrap intended for melting and must obtain motor vehicle scrap from specified providers that take steps to ensure mercury is not present in the scrap (or remove vehicle mercury scrap themselves using an EPA-approved site-specific mercury switch removal program). Additionally, affected facilities must use a binder chemical formulation that does not specifically use methanol as an ingredient for the catalyst formulation (does not apply to resin portion). New and existing large foundries must comply with specified emissions limits for furnaces. The regulation includes an opacity limitation as well.

Compliance Certification/Recordkeeping and Reporting: Large foundries must operate capture and collection systems for metal melting furnaces and comply with a number of operations and maintenance requirements, monitoring requirements, performance tests, and record keeping and reporting requirements. Small foundries must submit initial and compliance status notifications and keep records of specified processes within the foundries. Four facilities in Kansas are large entities, while four facilities in Kansas are considered to be small foundries.

Cost/Economic Impact:

The iron and steel foundries in Kansas already have control technologies in place, thus the only impact due to this regulation would be recordkeeping and reporting. The industry-wide annual burden over the first three years of the EPA ICR (information collection request) is estimated to be 6,064 labor hours per year at a total cost of $420,718 for 427 area sources, $985 each, with annualized capital costs of $8,490, about $20 each. (Data provided within this *Federal Register* on page 249.)

No major economic impact is expected because the affected facilities in Kansas are already in compliance with the regulation.

Paint Stripping and Miscellaneous Surface Coating Operations at Area Sources

- **63.14 Subpart A; 63.11169-63.11180 & Table 1 Subpart HHHHHH**

January 9, 2008 Volume 73: 1738-1768

This action establishes NESHAP for three area source categories: paint stripping, motor vehicle and mobile equipment surface coating, and miscellaneous surface coating. This final rule does not apply to

paint stripping or surface coating performed by individuals on their personal vehicles, possessions, or property, either as a hobby or for maintenance of their personal vehicles, possessions or property.

In order to avoid confusion, the categories of paint stripping and surface coating operations will be treated separately.

Paint Stripping

January 9, 2008 Volume 73: 1738-1768

This rule applies to area sources that utilize chemical strippers which contain methylene chloride (MeCl). All owners or operators of area sources must take measures to reduce the emissions of MeCl through using alternate methods or different, non-MeCl, chemicals. If a source uses more than one ton of MeCl, a minimization plan must be adopted by the source. This rule does not apply to paint stripping performed by individuals on their personal vehicles, possessions, or property, either as a hobby or for maintenance. This rule also does not apply to these operations performed by individuals for others without compensation. On pages 1745-1746 of the *Federal Register* notice, the EPA states that homeowners and hobbyists were not part of their analyses and were not intended to be part of the listed source categories.

Cost/Economic Impact:

Because this action concerns a very common activity and additionally limits its scope to area sources, an estimate of affected facilities could not be obtained. However, the number of affected facilities within Kansas is expected to be large. The following table provides a cost estimate for different categories of affected facilities based upon their MeCl usage. This table represents nationwide impacts, as analyzed by EPA, and considers: Costs – plan development, training, implementation, and switching technologies – versus Savings – reducing MeCl stripping applications and tons per year and implementing management practices. The EPA cost analysis estimates that there will be a net cost savings from the final regulation for paint stripping for all but the smallest model plant. The complete analysis is available at www.regulations.gov , docket EPA-HQ-OAR-2005-0056.

MeCl Stripper Usage Baseline (gallons/yr)	MeCl Emission Reductions (tons/yr)	Cost Per Ton of MeCl	# Facilities	Capital Cost per Facility	Annual Cost per Facility
5	0	$0	750	$249	$42
100	0	$0	1,200	$249	$42
250	100	$0	300	$972	$2
500	200	-$500	300	$972	-$358
1000	500	-$800	300	$1,031	-$1,241
2000	500	-$900	150	$1,031	-$2,854

Data source: *Office of Management and Budget (OMB) Interface – Revised Impacts Table for Paint Stripping*, EPA-HQ-OAR-2005-0056-0013.3.

Surface Coating and Miscellaneous Coating

January 9, 2008 Volume 73: 1738-1768

This rule applies to area sources that spray apply surface coatings to motor vehicles or mobile equipment for finishing or refinishing and also applies to those that spray apply coatings containing chromium (Cr), lead (Pb), manganese (Mn), nickel (Ni), or cadmium (Cd) to miscellaneous parts and/or products made of metal and/or plastic. The rule dictates that spray coatings must be applied using one of the following processes: use of high volume, low pressure (HVLP) spray guns, electrostatic spray guns, airless spray guns, air-assisted airless spray guns, or a gun demonstrated to be equal in transfer efficiency

to an HVLP spray gun. This rule also requires that any vehicle or mobile equipment surface coating must be done in a completely enclosed facility that is large enough to hold an entire vehicle, and for miscellaneous surface coating, the facility must only be partially enclosed. This rule mandates that painters must complete training in techniques to minimize overspray and to perform spray gun cleaning without spraying solvent through the gun creating an atomized mist. This rule does not apply to surface coating performed by individuals on their own personal vehicles, possessions, or property, either as a hobby or for maintenance. This rule also does not apply when these operations are performed by an individual for others without compensation. This rule does apply to an individual who spray applies surface coating of more than two motor vehicles or pieces of mobile equipment per year regardless of whether compensated.

Cost/Economic Impact:

There are approximately 1,100 facilities in Kansas that will be regulated by this action. There are some facilities in Kansas that do not have the proper spraying facilities specified by this regulation and some painters would need to be trained in effective usage of their equipment. EPA counters these concerns by stating that the training would foster more efficient use of materials, offsetting the initial cost of training, and stated that many facilities already provide painters with the training specified. It was also stated that the additional materials or facilities that are required by the rule are either already established by OSHA or are of negligible cost. (Impact information is provided within this *Federal Register* on page 1756.)

Combined Recordkeeping and Reporting: In terms of record keeping and reporting, initial notification is required from new and existing sources and notification of compliance is required if the source is not in compliance at the time the initial report is sent. Also, documentation must be kept on file in order to demonstrate compliance.

EPA does not expect any major economic impact due to this regulation.

Gasoline Distribution Bulk Terminals, Bulk Plants, Pipeline Facilities, and Gasoline Dispensing Facilities

- **63.14 Subpart A; 63.11080 - 63.11100 & Tables 1-3 Subpart BBBBBB; 63.11110 - 63.11132 & Tables 1-3 Subpart CCCCCC**

January 10, 2008 Volume 73: 1916-1953.

This action establishes NESHAP for any new or existing gasoline distribution area sources. It requires that area source bulk gasoline terminals and pipeline breakout stations control emissions from large storage tanks (those at or above 20,000 gallons capacity) by using either specified floating roofs and seals or a closed vent system and control device; small storage tanks (those below 20,000 gallons) must be covered. Also, cargo tank loading rack emissions located at bulk gasoline terminals with gasoline throughputs above 250,000 gallons per day must be reduced to 80 mg per liter or less, while the bulk terminals with a flow of less than 250,000 gallons must use submerged filling for cargo tank loading; bulk plants must use submerged filling of storage and cargo tanks as well. Additionally, cargo tanks must have documents that certify sufficient vapor tightness before loading. Monthly leak inspections are required for bulk terminals, bulk plants, pipeline breakout stations, and pipeline pumping stations. All gasoline dispensing facilities (GDFs) above 10,000 gallons per month must conduct submerged filling of gasoline storage tanks and must use vapor balancing in their storage tanks.

Compliance, Recordkeeping, and Reporting: Compliance testing of control devices used with loading racks and tanks and closed vent systems must be conducted. Compliance with vapor processors must also be monitored continuously. Annual inspections of storage tank roofs and seals are required for bulk terminals and pipeline breakout stations. Monitoring of gasoline loading into gasoline cargo tanks by bulk gasoline terminals is required as well. GDFs must demonstrate initial compliance with this action

and conduct tests on vacuum vent valves on gas storage tanks. Initial notification, notification of compliance status, periodic reports and other reports are also required.

Cost/Economic Impact:

There are approximately 90 facilities in Kansas subject to subpart BBBBBB and more than 1,200 facilities (gas dispensing facilities, GDF) subject to subpart CCCCCC. EPA estimates that one-third of each subcategory will need to implement additional technology and equipment in order to comply with this regulation.

For bulk terminal storage tanks, EPA estimates that the capital cost of implementation will be between $22,910 and $31,476 with the annualized cost between $8,436 and $9,671, depending upon the specifications of the tank. For pipeline breakout station storage tanks, the capital cost of implementation is estimated to be between $29,442 and $66,082, with the annualized cost between $8,036 and $13,802, depending upon the specifications of the tank. However, EPA estimates that affected facilities will recover most of this expense through recovery of fuel that would typically be lost.

In terms of loading rack costs, it is estimated that only 20 facilities across the country will be affected by the loading rack requirements from this regulation. This regulation only applies to a small number of older loading racks within the state. This installation is expected to cost approximately $25,000 for each installation.

For gasoline dispensing facilities that do not have submerged fill facilities, EPA estimates that the capital costs due to this regulation would be approximately $2,500, with an annualized cost of about $288. The majority of tanks within the state are already equipped with submerged fill equipment. The submerged filling requirement is met by either bottom filling the storage tank or by using a fill pipe of a specified maximum distance from the bottom to load the storage tank.

For gasoline dispensing facilities that have a throughput at or over 100,000 gallons per month, the capital costs regarding vapor balancing technology are estimated to be $4,500 with a total annual cost estimated to be $948. The majority of tanks outside of Wyandotte and Johnson Counties meeting the 100,000 gallon per month standard will require the vapor balancing equipment.

For those facilities that were not already in compliance with the rule, the total recordkeeping/reporting costs per facility were estimated to be between $205 and $340 per facility.

There is no impact to facilities in Johnson and Wyandotte counties, which were already regulated.

EPA estimates that the increase in gasoline price due to this final rule is inconsequential. EPA states in the final rule, on page 1930 of this *Federal Register*, that "we estimate that the annualized cost of the final rules is a credit of about $6.5 million" (national). (Detailed cost/economic impact analyses are available in the regulatory docket, EPA-HQ-OAR-2006-0406-0137 and EPA-HQ-OAR-2006-0406-0140.)

Reciprocating Internal Combustion Engines

- **63.14 Subpart A; 63.6580 - 63.6675, Tables 1A, 1B, 2A, 2B, 4, 8 Subpart ZZZZ**

January 18, 2008 Volume 73: 3568-3614.

This action promulgates NESHAP for new and reconstructed stationary reciprocating internal combustion engines that either are located at area sources of HAP emissions or that have a site rating equal to or less than 500 brake horsepower and are located at major sources of HAP emissions.

Engines Equal to or Less than 500 HP at Major Sources: Owners and operators of new and reconstructed stationary SI (spark ignition) engines with a site rating of equal to or less than 500 HP located at a major source of HAP must meet the requirements of the final SI NSPS (40 C.F.R. Part 60, subpart JJJJ). If owners and operators are in compliance with 40 C.F.R. Part 60 subpart JJJJ, they would also be in compliance with 40 C.F.R. Part 63 subpart ZZZZ for engines equal to or less than 500 HP located at a major source. Owners and operators of new and reconstructed stationary CI (compressed ignition) engines with a site rating of equal to or less than 500 HP located at a major source of HAP

emissions must meet the requirements of the final CI NSPS (40 C.F.R. Part 60, subpart IIII). If owners and operators are in compliance with 40 C.F.R. Part 60 subpart IIII, they would also be in compliance with 40 C.F.R. Part 63 subpart ZZZZ for engines equal to or less than 500 HP located at a major source. Owners and operators of new or reconstructed 4SLB (four stroke lean burn) SI stationary engines with a site rating of greater than or equal to 250 and less than or equal to 500 brake HP located at a major source are required to either reduce CO emissions by 93% or more or limit the concentration of formaldehyde in the stationary engine exhaust to 14 ppmvd or less, at 15% O_2. These 4SLB SI engines would also be required to meet the requirements of the final SI NSPS, but do not have to comply with the CO emission standards of the SI NSPS if in compliance with the NESHAP.

Engines at Area Sources: New and reconstructed stationary engines at area sources of HAP are required to satisfy the final CI NSPS (40 C.F.R. Part 60 subpart IIII) or SI NSPS (40 C.F.R. Part 60 subpart JJJJ), as appropriate. If they are in compliance with either, they would also be in compliance with 40 C.F.R. Part 63 subpart ZZZZ for new and reconstructed engines located at an area source. Also, reconstructed stationary engines are subject to the NESHAP if the reconstruction began on or after June 12, 2006.

Compliance, Recordkeeping, and Reporting: The Part 63 compliance requirements for RICE SI engines equal to or less than 500 HP at major sources (except 4SLB) match the requirements for certification under NSPS. The RICE CI engines at major sources with equal to or less than 500 HP at major sources also match the NSPS certification requirements. Owners and operators of new or reconstructed 4SLB engines must conduct an initial performance test. These engines must conduct subsequent semiannual performance testing if they are complying with the requirement to reduce CO emissions and not using a continuous emissions monitoring system and if they are complying with the requirement to limit the concentration of formaldehyde in the stationary engine exhaust. The recordkeeping and reporting requirements for RICE SI or CI engines (except for 4SLB) in Part 63 are generally satisfied by NSPS. Owners and operators of new and reconstructed 4SLB engines must comply with recordkeeping and reporting requirements specified in 40 C.F.R. Part 63 subpart ZZZZ.

Cost/Economic Impact:

This regulation only affects new and reconstructed engines, thus the overall cost impact is difficult to predict. Currently, KDHE records indicate few affected facilities within Kansas. However, more units may come about in the future.

Certification costs for SI engines range from $13-$153; non-certified engines would incur a $1,000 per engine compliance test (including emergency engines). In their analysis, EPA assumes that all gasoline and rich burn propane engines over 25 HP will be certified by the engine manufacturers. EPA assumes 20 to 50% of engines of other HP-fuel combinations will be certified by manufacturers.

New and reconstructed 4SLB engines of 250 to 500 HP located at major sources are required to reduce emissions of carbon monoxide (CO) by 93 percent or limit the exhaust concentration of formaldehyde to 14 ppmvd (parts per million, volumetric dry). EPA assumes that 40 percent of the projected new 250-500 HP 4SLB natural gas fired engines would be located at a major source. The estimated annual cost of installing the necessary control technology is $3.58 per horsepower with the estimated capital cost at $20.5 per horsepower. The capital cost of testing and monitoring is estimated to be $13,479 per 4SLB engine, with the annual cost at $5,959 per engine.

Recordkeeping and reporting costs for all engines were estimated at $68-$151 per engine, per year for engine owners and operators.

The impacts to producers (engine manufacturers) and consumers affected by this final rule are higher product prices and outputs. The EPA states that prices for affected engines that are larger than 175 HP may increase 5 to 7 percent, and prices for engines smaller than 175 HP may increase 17 to 33 percent. However, EPA believes that the overall economic impact on affected industries should be small.

Cost data analysis sources from the regulatory docket (www.regulations.gov): EPA-HQ-OAR-2005-0030-0270, *Regulatory Impact Analysis for the Stationary Spark Ignition New Source Performance Standard (SI NSPS) and New Area Source NESHAP*; EPA-HQ-OAR-2005-0030-0191, Memorandum *Cost Impacts and Emission Reductions Associated with Final NSPS for Stationary SI ICE and NESHAP for Stationary RICE*.

b) Initial and annual costs of implementing and enforcing the proposed amendments, including the estimated amount of paperwork, and the state agencies, other governmental agencies or other persons or entities who will bear the costs.

The NESHAP and MACT standards that are being proposed will transfer regulating authority from the EPA to the KDHE. The adoption of proposed changes to 40 C.F.R. Part 63 will have the result of increasing the KDHE current staff members' regulatory duties. Currently, the permitting staff is incorporating elements of the existing federal requirements into permits being drafted because they are current and are assumed eventually to be state regulated. The implementation of regulations for certain area source MACTs, with large number of sources and relatively small amount of emissions, deserves fair consideration and forethought as there has been no increase in resources from the EPA. However, the Bureau of Air maintains that Kansas sources are best regulated by Kansas rather than by the EPA. Adoption of these regulations will necessitate a different regulatory approach, more vigorous public outreach and education efforts, and alternative compliance and enforcement methods. Kansas State University's Small Business Environmental Assistance Program (SBEAP) has been successful in outreach and education of small business, and it is expected that their role will continue to be vital and to grow with respect to area sources.

c) Costs which would likely accrue if the proposed regulations are not adopted, the persons who will bear the costs and those who will be affected by the failure to adopt the regulations.

KDHE needs to adopt current regulations and amendments to stay on a par with the national standards. If the proposed amendments are not adopted, the state will not have the authority necessary to implement and enforce the new standards listed in this impact statement, *i.e.*, the

EPA would remain as the primary authority for those standards that have been promulgated by the EPA since July 1, 2005. (There were no amendments to Part 65 between July 1, 2003, and June 30, 2005.) As previously discussed, this would result in a dual regulatory structure for the NESHAP and MACT standards. This situation could potentially result in the loss of consistency in applying standards and would burden regulated facilities because they will have to work with both the state and the EPA. This results in confusion for the regulated community regarding the applicable requirements that must be met, as well as the added burden of working with two agencies instead of one. In addition, KDHE can implement these regulations in an appropriate, consistent, and cost-effective manner for both the agency and the affected Kansas facilities.

d) A detailed statement of the data and methodology used in estimating the costs used in the statement.

The economic impact information contained herein has been obtained through EPA analysis documents, where available, for the respective rulemaking actions, and has been supplemented where possible with information found in the proposed or final rule notices in the *Federal Register* and in the regulatory dockets (www.regulations.gov). EPA analysis typically provided large cost and economic estimates that would affect an entire industry. Based on the number of facilities registered within Kansas that will be subject to these rules, a percentage of Kansas facilities within the total nationwide industry was calculated and used to obtain a percentage estimate of the total nationwide cost, thereby providing Kansas costs.

e) Description of any less costly or less intrusive methods that were considered by the agency and why such methods were rejected in favor of the proposed regulations.

There are no alternative methods of implementing the federal requirements that would be less intrusive; however, implementation and administering of these regulations in Kansas by KDHE rather than by EPA will be less costly.

The EPA does not finalize a regulation until it has been subjected to public comment and criticism. Therefore, the proposed regulations have all been reviewed and critiqued before adoption.

f) Consultation with League of Kansas Municipalities, Kansas Association of Counties, and Kansas Association of School Boards.

Some of the federal rules being adopted in this rulemaking may affect the constituencies of these organizations; however, the state rulemaking action does not change the requirements for those so affected. Copies of the rules and this statement are being provided to these organizations for their review.

APPENDIX A

The following regulations were published in the *Federal Register*; however they provide no substantial economic impact. The regulations have been separated into two parts. The first list is comprised of amendments that regulate facilities located in Kansas. The second list, beginning on page 37, is comprised of amendments that regulate facilities that are not located in Kansas. Although the second list currently regulates facilities outside of Kansas, there could be affected facilities in Kansas in the future and the amendments must be adopted to comply with the Federal delegation agreements.

The following are the amendments being proposed for adoption that were determined not to cause or contribute to an economic impact to facilities in Kansas. They are currently contained in the *Federal Register,* 40 C.F.R. Part 61, Part 63, and Part 65:

I. Amendments that regulate Kansas facilities:

Miscellaneous Organic Chemical Manufacturing

- **63.2450-63.2550 & Tables 1, 8, 9, 12 Subpart FFFF**

July 1, 2005 Volume 70: 38554-38561

This action amends a National Emission Standards for Hazardous Air Pollutants (NESHAP) for Miscellaneous Organic Chemical Manufacturing that was promulgated by the EPA on November 10, 2003. The amendment is to clarify certain compliance requirements. The amendment also redrafts the definition for continuous process vent, and it also corrects several referencing and drafting errors. The EPA viewed the amendments as non-controversial and anticipated that there would not be adverse comments.

Cost/Economic Impact:

There is no substantial economic cost resulting from these amendments.

- **63.2485 & Table 1 Subpart FFFF**

August 30, 2005 Volume 70: 51269-51270

This action is a partial withdrawal of the July 1, 2005 direct final rule. The EPA received adverse comments and will address them in a subsequent final rule.

Cost/Economic Impact:

There is no substantial economic cost resulting from this action.

- **63.2445 Subpart FFFF**

March 1, 2006 Volume 71: 10439-10442

This action amends a NESHAP for Miscellaneous Organic Chemical Manufacturing. The amendment extends the compliance date for existing sources by 18 months. This change does not result in cost or economic impact.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

- **63.2435-63.2550 & Tables 2-6 Subpart FFFF**

July 14, 2006 Volume 71: 40316-40342

This action amends a NESHAP for Miscellaneous Organic Chemical Manufacturing. The amendments are in response to adverse comments about various requirements in the final rule, and they also correct inconsistencies that were discovered during the review process.

Cost/Economic Impact:

There is no substantial economic cost resulting from these amendments.

Miscellaneous Coating Manufacturing

- **63.8055 Subpart HHHHH**

July 6, 2005 Volume 70: 38780

This is an action to withdraw a final rule for a NESHAP for Miscellaneous Coating Manufacturing that was issued on May 13, 2005. When previous amendments were proposed and the rule became finalized, the EPA thought that the amendments were non-controversial and that there would be no adverse comments. However, as a precautionary measure, the EPA provided a parallel proposal with the added amendments to deal with any adverse comments. This July 6, 2005 withdrawal is due to an adverse comment. Therefore, the final rule must be officially withdrawn so that an amendment can be made to deal with the comment.

Cost/Economic Impact:

There is no substantial economic cost resulting from this action.

- **63.8055 Subpart HHHHH**

December 21, 2005 Volume 70: 75924-75927

This action amends the NESHAP for Miscellaneous Coating Manufacturing. The amendment specifies that certain raw material formulation data as supplied to coating manufacturers may be used to demonstrate compliance with the weight percent HAP limit.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

- **63.7985-63.8105 Subpart HHHHH**

October 4, 2006 Volume 71: 58499-58504

This action amends a NESHAP for Miscellaneous Coating Manufacturing, which was promulgated on December 11, 2003. The action clarifies applicability of the rule and minimizes the compliance burden. The problem arose between subpart HHHHH and subpart FFFF because subpart HHHHH's original language applied the rule to "all equipment that is used to manufacture coatings." Subpart HHHHH used a very broad definition of "coatings" which expanded the applicability of 40 C.F.R. Part 63 subpart HHHHH to equipment intended to be covered by 40 C.F.R. Part 63 subpart FFFF. By amending the definition of what subpart HHHHH is meant to apply to, it will help minimize confusion. Facilities that happen to fall within the realm of being regulated by both subparts will need to determine if they comply with options that allow them to only follow the requirements of 40 C.F.R. Part 60 subpart FFFF.

Cost/Economic Impact:

Currently there are two facilities in Kansas that are regulated under subpart FFFF and one facility that is regulated under subpart HHHHH. These amendments allow the two facilities under subpart FFFF to only comply with subpart FFFF regulations. Therefore, the previous three amendments do not provide significant economic impact other than eliminating the burden of double regulation.

Control Technology Determinations

- **63 Table 1 Subpart B**

July 11, 2005 Volume 70: 39662-39664

This action is a technical correction and a final rule on NESHAP for Control Technology Determinations. An amended consent decree created new deadlines, and a table is amended to reflect the new deadlines. The consent decree deals only with boilers and hydrochloric acid production furnaces that burn hazardous waste.

Cost/Economic Impact:

Kansas currently has no facilities operating these boilers or furnaces. There is no substantial economic cost resulting from this amendment.

Cellulose Products

- **63.5490-63.5610 & Tables 1-6 Subpart UUUU**

August 10, 2005 Volume 70: 46684-46700

This action amends a final rule on the NESHAP for Cellulose Products, which was issued June 11, 2002. The amendments are to revise work practice standards and compliance requirements and to correct previous errors and definitions. This portion of the rule was promulgated specifically to regulate the Kansas facility Innovia Films, Inc., because it is the only cellophane operation in the United States. When Innovia appealed, the EPA amended the rule to allow Innovia to use their retractable hoods that cover their sulfuric acid baths, called A-tanks, in either the up or down position for operational purposes. EPA did not intend for the closed-vent system provision to apply to retractable hoods over sulfuric acid baths at a cellophane operation, such as the A-tank hoods at the Innovia facility.

Cost/Economic Impact:

The amendment, which allows them to use their retractable hoods, alleviates a potential cost burden that would have been placed on Innovia. There was no additional cost or economic impact.

Reinforced Plastic Composite

- **63.5790-63.5935 & Tables 1, 3-5, 7-9 Subpart WWWW**

August 25, 2005 Volume 70: 50118-50136

This action amends a final rule on the NESHAP for Reinforced Plastic Composite Production that was issued April 12, 2003. This action revises compliance options for open molding, corrects errors, and adds clarification to sections of the rule.

Cost/Economic Impact:

Kansas has eleven facilities regulated under subpart WWWW; however, due to the nature of the regulation, there are no substantial economic impacts or costs associated with these amendments.

Secondary Aluminum Production

- **63.1503-63.1505 Subpart RRR**

October 3, 2005 Volume 70: 57513-57517

This action amends a final rule on the NESHAP for Secondary Aluminum Production, which became a final rule on December 30, 2002. The amendment corrects two minor errors: punctuation and a typographical error.

Cost/Economic Impact:

Kansas has eight facilities subject to requirements of Subpart RRR; however, due to the nature of the amendments, there is no substantial economic impact.

Hazardous Waste Combustors

- **63.1206 Subpart EEE**

December 19, 2005 Volume 70: 75042-75047

This action amends the NESHAP for Hazardous Waste Combustors. This amendment specifically changes the compliance dates.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

- **63.1220 Subpart EEE**

March 23, 2006 Volume 71: 14655-14656

This action is an administrative stay of one requirement of the NESHAP for Hazardous Waste Combustors that was issued October 12, 2005. EPA stayed the effective date of the standard for particulate matter for new cement kilns that burn hazardous waste to reconsider the provision.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

- **63.1206, 63.1220 Subpart EEE**

October 25, 2006 Volume 71: 62388-62394

This action amends a NESHAP for Hazardous Waste Combustors, which was promulgated on October 12, 2005. The action amends the effective date of the standard for particulate matter (PM) for new cement kilns that burn hazardous waste. This amendment suspends the obligation of new cement kilns to comply with the PM standard until final action by EPA. This amendment does not affect other standards applicable to new or existing hazardous waste burning cement kilns.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

- **63.1203-63.1220 Subpart EEE**

April 8, 2008 Volume 73: 18970-18984

This action finalizes amendments to the NESHAP for Hazardous Waste Combustors, which was promulgated on October 12, 2005. The amendments clarify several compliance and monitoring provisions and also correct some omissions and typographical errors. EPA is finalizing the amendments to facilitate compliance and improve understanding of the final rule requirements.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

Gasoline Distribution Facilities

- **63.428 Subpart R**

April 6, 2006 Volume 71: 17352-17358

This action finalizes decision on a NESHAP for Gas Distribution Facilities that was promulgated on December 14, 1994. This action finalizes a 2005 proposal not to revise emission standards after consideration of residual risk and technology review and also corrects a reference error.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

Perchloroethylene from Existing and New Dry Cleaning Sources

- **63.323 Subpart M**

September 21, 2006 Volume 71: 55280

This action makes a minor technical correction to the NESHAP regulating perchloroethylene from existing and new dry cleaning sources.

Cost/Economic Impact:

There is no cost or economic impact from this action.

- **63.320, 63.323, 63.324 Subpart M**

April 1, 2008 Volume 73: 17252-17257

This action corrects cross reference errors and also clarifies certain monitoring language concerning condensers.

Cost/Economic Impact:

There is no cost or economic impact from this action.

Site Remediation Activities

- **63.7881-63.7957, Tables 1 & 3 Subpart GGGGG**

November 29, 2006 Volume 71: 69011-69022

This action amends the NESHAP for Site Remediation Activities. This action revises specific provisions to resolve issues and questions, and it corrects technical and grammatical errors.

Cost/Economic Impact:

There is no substantial economic cost resulting from these amendments.

General Provisions

- **63.6 Subpart A – 63.9925 Subpart TTTTT; 65.2, 65.3, 65.6 Subpart A; 65.115 Subpart F; 65.156, 65.161, 65.163 Subpart G**

April 20, 2006 Volume 71: 20446-20472

This action promulgates amendments to certain aspects of startup, shutdown, and malfunction (SSM) requirements affecting sources subject to NESHAP general provisions. This is in response to a July 29, 2003 petition to reconsider certain aspects of previous amendments. The provision allows sources flexibility to address emissions during periods of SSMs and provides that actions to address SSMs that deviate from the plan are not necessarily in violation.

Cost/Economic Impact:

The flexibility allowed in the rule will benefit regulated facilities, however, there is no substantial economic cost resulting from this amendment.

- **61.02, 61.13 Subpart A; 63.2, 63.7, 63.91 Subpart A**

May 16, 2007 Volume 72: 27437-27443

This action promulgates revisions to the General Provisions portion of Part 61 and 63. The revision allows source category owners and operators extensions to the deadlines imposed when conducting an initial or subsequent performance test by adding a definition of force majeure.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

- **63.14 Subpart A**

July 16, 2007 Volume 72: 38864-38917

This action amends 63.14(i)(1) to update the incorporation by reference section to include new provisions for the following Subparts: LLLLLL, MMMMMM, NNNNNN, OOOOOO, PPPPPP and QQQQQQ.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

- **65.2 Subpart A; 65.157 Subpart G**

August 27, 2007 Volume 72: 48938-48942

This action promulgates revisions to the General Provisions portion Part 65. The revision allows source category owners and operators extensions to the deadlines imposed when conducting an initial or subsequent performance test by adding a definition of force majeure.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

- **63.14 Subpart A**

November 16, 2007 Volume 72: 64860-64897

This action amends 63.14(b)(28) to update the incorporation by reference section to include new provisions for Subparts HH and EEEE.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

- **65.157 Subpart G**

December 28, 2007 Volume 72: 73625-73626

This action makes a minor technical correction to the August 27, 2007, final rule that revised the General Provisions for Consolidated Federal Air Rule.

Cost/Economic Impact:

There is no economic impact resulting from this amendment.

Hydrochloric Acid Production Facilities

- **63.8985-63.9075 and Tables 1, 3, 5, 7 Subpart NNNNN**

April 7, 2006 Volume 71: 17738-17750

This action finalizes amendments to NESHAP for Hydrochloric Acid (HCl) Production facilities. The amendments clarify certain applicability requirements, emission standards, testing, maintenance and reporting requirements. The amendments also correct several omissions and typographical errors in the final rule. Finalizing the amendments facilitates compliance and improves understanding of the final rule requirements.

Cost/Economic Impact:

Kansas has one HCl production facility; however, 63.8985(d) exempts this facility because it produces HCl through direct synthesis of hydrogen and chlorine and is part of a chlor-alkali facility. There is no substantial economic cost resulting from this amendment.

Printing and Publishing Industry

- **63.820-63.830 & Appendix A Subpart KK; 63.3300 Subpart JJJJ; 63.4281 Subpart OOOO**

May 24, 2006 Volume 71: 29792-29805

This action amends specific provisions in the Printing and Publishing Industry NESHAP to resolve issues and questions raised after promulgation of the final rule and to correct errors in the regulatory text.

This action also makes final amendments to the Paper and Other Web Coating NESHAP and the Printing, Coating, and Dyeing of Fabric and Other Textiles NESHAP to clarify the interaction between these rules and the Printing and Publishing Industry NESHAP.

Cost/Economic Impact:

Currently, Kansas has one facility regulated under this Subpart; however, there is no substantial economic cost resulting from this amendment.

C.F.R. Correction

- **63.8395 Subpart JJJJJ; 63. 8545 Subpart KKKKK**

June 23, 2006 Volume 71: 36014

This action is a C.F.R. correction to a July 1, 2005 amendment. The same date change is made in each subpart.

Cost/Economic Impact:

There is no substantial economic cost resulting from this correction.

Organic Liquids Distribution (Non-Gasoline)

- **63.14; 63.2338-63.2406 & Tables 2-5, 7-12 Subpart EEEE**

July 28, 2006 Volume 71: 42898-42925

This action finalizes NESHAP for Organic Liquids Distribution (non-gasoline), which was promulgated on February 3, 2004. The rule promulgates some amendments to address adverse comments, and it also adds vapor balancing options and makes technical corrections.

Cost/Economic Impact:

Major Sources: Currently Kansas has five operating organic liquids distribution sources. The current regulations make numerous technical corrections and provide an equivalent control option that allows routing of displaced HAP vapors into a storage tank with a common header. These amendments provide more options to control costs and should not have an economic impact.

- **63.2343, 63.2346, 63.2358 Tables 2, 5, 6, 7, 10, Subpart EEEE**

April 23, 2008 Volume 73: 21825-21834

This action amended NESHAP for Organic Liquids Distribution (Non-Gasoline), which EPA promulgated on February 3, 2004, and amended on July 28, 2006. In addition to correcting typographical errors, this action clarifies combustion control device compliance requirements, certain storage tank control compliance dates, and vapor balance system monitoring requirements.

Cost/Economic Impact:

There is no cost or economic impact from this action.

Synthetic Organic Chemical Manufacturing

- **63 Tables 2 & 4 Subpart F; 63.119-63.132 & Tables 9, 34, & 36 Subpart G**

December 21, 2006 Volume 71: 76603-76615

This action amends the NESHAP for Synthetic Organic Chemical Manufacturing Industry. The CAA requires the EPA to assess the residual risk after the Maximum Achievable Control Technologies standards are implemented and to promulgate additional standards if required. On June 14, 2006, the EPA proposed two options on whether or not to amend emissions standards. The EPA chose Option 1, which said that no further regulation was necessary. This action adopts and finalizes it.

Cost/Economic Impact:

There is no substantial economic cost resulting from this regulation.

Surface Coating of Automobiles and Light-Duty Trucks

- **63.3080-63.3176 Subpart IIII; 63.3881 Subpart MMMM; 63.4481 Subpart PPPP**

December 22, 2006 Volume 71: 76922-76927

This action amends the NESHAP for Surface Coating of Automobiles and Light-Duty Trucks, which was promulgated on April 26, 2004. This action provides the option of including surface coating of heavier motor vehicles under this rule. This action also makes direct final rule amendments to the Miscellaneous Metal Parts NESHAP and the Plastic Parts NESHAP to maintain consistency between these rules and the Automobiles and Light-Duty Truck NESHAP.

Cost/Economic Impact:

There is no substantial economic cost resulting from these amendments.

- **63.3081-63.3176 & Table 1 Subpart IIII; 63.4481 Subpart PPPP**

April 24, 2007 Volume 72: 20227-20237

This action finalizes a NESHAP for Surface Coating of Automobiles and Light-Duty Trucks, which was promulgated on April 26, 2004. This action amends the final rule to clarify the interaction between the Automobiles and Light-Duty Trucks NESHAP and the Plastic Parts NESHAP, to clarify the meaning of certain regulatory provisions, to correct textual errors, and to clarify that screen printing is not subject to the Plastic Parts NESHAP.

Cost/Economic Impact:

There is no substantial economic cost resulting from these amendments.

Generic MACT

- **63.1103 Subpart YY**

June 29, 2007 Volume 72: 35663

This action is a C.F.R. correction and adds a sentence to the definitions portion of the rule.

Cost/Economic Impact:

There is no substantial economic cost resulting from this correction.

Flexible Polyurethane Foam Production and Fabrication

- **63.11414-63.11420 & Table 1 Subpart OOOOOO**

July 16, 2007 Volume 72: 38864-38917

This action establishes NESHAP for new or existing area sources that produce or fabricate flexible polyurethane foam using methylene chloride as an auxiliary blowing agent (ABA). EPA exempted flexible polyurethane foam production and fabrication facilities from Title V requirements because it was found that such requirements were "unnecessarily burdensome."

Cost/Economic Impact:

None of the flexible polyurethane foam production/fabrication facilities in Kansas use methylene chloride, thus facilities in Kansas would only need to submit a one-time certification that no methylene chloride is used. There is no substantial economic cost resulting from this action.

Iron and Steel Foundries (Major Sources)

- **63.14 Subpart A; 63.7681-63.7765 & Table 1 Subpart EEEEE**

February 7, 2008 Volume 73: 7210-7223

This action amends the NESHAP for Iron and Steel Foundries. The amendments add alternative compliance options for cupolas at existing foundries and clarify several provisions to increase operational flexibility and improve understanding of the final rule requirements.

Cost/Economic Impact:

There are three facilities in Kansas that are permitted with HAP limited to below major source thresholds. Under this condition, these facilities are not subject to the provisions of this subpart. There is no substantial economic cost resulting from these regulations.

Paint Stripping and Miscellaneous Surface Coating Operations

- **63.11173 Subpart HHHHHH**

February 13, 2008 Volume 73: 8408

This action corrects minor errors in part 63.11173.

Cost/Economic Impact:

There is no cost or economic impact from this action.

Gasoline Distribution Bulk Terminals, Bulk Plants, and Pipeline Facilities; and Gasoline Dispensing Facilities

- **63.14 Subpart A; 63.11092, 63.11095 Subpart BBBBBB; 63.11117, 63.11118, 63.11124 Subpart CCCCCC**

March 7, 2008 Volume 73: 12275-12276

This action corrects minor errors in the parts listed above.

Cost/Economic Impact:

There is no cost or economic impact from this action.

Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chemical Manufacturing: Chromium Compounds, Flexible Polyurethane Foam Production and Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving

- **63.11399 Subpart LLLLLL; 63.11406 Subpart MMMMMM; 63.11410, 63.11413 Subpart NNNNNN; 63.11416, 63.11417, 63.11420 & Table 1 Subpart OOOOOO; 63.11423, 63.11425-63.11427, Table 1 Subpart PPPPPP; 63.11432, 63.11434, Table 1 Subpart QQQQQQ**

March 26, 2008 Volume 73: 15923-15930

This action amends NESHAP for Acrylic and Modacrylic Fibers Production, Carbon Black Production, Chromium Compound Chemical Manufacturing, Flexible Polyurethane Foam Production/Fabrication, Lead Acid Battery Manufacturing, and Wood Preserving Area Sources that were published on July 16, 2007. Additionally, this action clarifies certain provisions in two of the final area source rules (flexible polyurethane foam production and fabrication and lead acid battery manufacturing) and corrects editorial and publication errors in every final rule for the subparts listed above.

Cost/Economic Impact:

There is no cost or economic impact from this action.

Gasoline Dispensing Facilities

- **63.11113 & Table 1 Subpart CCCCCC**

June 25, 2008, Volume 73: 35939-35944

This action finalizes amendments to NESHAP for Gasoline Dispensing Facilities that were promulgated on January 10, 2008, and amended on March 7, 2008, and changes the pressure and vacuum vent valve cracking pressure and leak rate requirements for vapor balance systems used to control emissions. This action affects only area source gasoline dispensing facilities with monthly throughput of 100,000 gallons of gasoline or more. The initial action required the installation of equipment that was not available to the affected facilities; therefore, the equipment specifications were altered by this action to make compliance with the regulation possible.

Cost/Economic Impact:

There is no substantial cost or economic impact resulting from this regulation.

II. Regulations that affect facilities outside the state of Kansas.

Primary Copper Smelting

- **63.1452-63.1453 Subpart QQQ**

July 14, 2005 Volume 70: 40672-40674

This is an action to amend a National Emission Standards for Hazardous Air Pollutants (NESHAP) for Primary Copper Smelting, which were promulgated by the EPA on June 12, 2002. The amendment is based on a petition received asking the EPA to reevaluate monitoring requirements for owners and operators who use a system other than the ones that are listed in the rule to comply with the standard. The amendment is in response to the petition. For cases when a control device other than a baghouse or venturi scrubber is used to comply with subpart QQQ, the owner or operator must continuously monitor and record the selected operating parameters appropriate for the control device design.

Cost/Economic Impact:

There is no substantial economic cost resulting from this regulation.

Coke Ovens: Pushing, Quenching, and Battery Stacks

- **63.700-63.7322 Subpart CCCCC**

August 2, 2005 Volume 70: 44285-44289

This is an action that promulgates a portion of the final rule for Coke Ovens: Pushing, Quenching, and Battery Stacks, which was previously withdrawn due to an adverse comment. Amendments are made to language in 63.7300(c)(1) and 63.7322(b)(2) regarding operation and maintenance requirements and demonstration of initial compliance with PM emission limits, respectively.

Cost/Economic Impact:

There is no substantial economic cost resulting from this regulation.

Primary Aluminum Reduction Plants

- **63.842-63.850, Table 2, & Appendix A Subpart LL**

November 2, 2005 Volume 70: 66280-66285

This action amends the NESHAP for Primary Aluminum Reduction Plants. The amendment revises the emission limit for polycyclic organic matter applicable to one potline subcategory and revises the compliance provisions.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

Surface Coating of Metal Cans

- **63.3481-63.3561 & Table 4 Subpart KKKK**

January 6, 2006 Volume 71: 1378-1385

This action amends the NESHAP for Surface Coating of Metal Cans, which were promulgated on November 13, 2003. The amendment corrects errors and adds clarification to particular parts of the rule.

Cost/Economic Impact:

There is no substantial economic cost resulting from this action.

Refractory Products Manufacturing

- **63.9792-63.9824 & Tables 1, 2, 4, 5, 7, 8, 10, 11 Subpart SSSSS**

February 13, 2006 Volume 71: 7415-7441

This action amends the NESHAP for new and existing Refractory Products Manufacturing facilities that were promulgated on April 16, 2003. The amendments clarify testing and monitoring requirements and startup and shutdown requirements for batch processes, make certain technical corrections, and add changes to be consistent with NESHAP general provisions.

Cost/Economic Impact:

There is no substantial economic cost resulting from this action.

- **63.9792-63.9824 & Tables 1, 2, 4, 5, 7, 8, 10, 11 Subpart SSSSS**

April 14, 2006 Volume 71: 19435-19436

This action withdraws the NESHAP amendments for Refractory Products Manufacturing, which were published on February 13, 2006. This withdrawal is based on adverse comments received after final amendments were made.

Cost/Economic Impact:

There is no substantial economic cost resulting from this action.

Plywood and Composite Wood Products

- **63.14 Subpart A; 63.2232-63.2292, Table 4, & Appendices A through C Subpart DDDD**

February 16, 2006 Volume 71: 8342-8387

This action amends a NESHAP final rule for Plywood and Composite Wood Products that was promulgated on July 30, 2004. On July 29, 2005, EPA announced reconsideration of certain aspects of the July 30, 2004 final rule, proposed amendments, and requested public comment. This amendment provides conclusions following the reconsideration process along with clarifying requirements and definitions.

Cost/Economic Impact:

There is no substantial economic cost resulting from these amendments.

- **63.14 Subpart A; 63.2231, 66.2233, 66.2291, & Appendices B and C Subpart DDDD**

October 29, 2007 Volume 72: 61060–61063

This action incorporates a judicial remand that vacates EPA's no emission reduction MACT determinations, the low-risk provisions, and the October 1, 2008 compliance date and forces the EPA to apply MACT standards to all sources of the plywood and composite wood product industry.

Cost/Economic Impact:

There is no substantial economic cost resulting from these amendments.

Sterilization Facilities

- **63.360-63.368 Subpart O**

April 7, 2006 Volume 71: 17712-17720

This action finalizes a decision not to revise Ethylene Oxide emission standards for Sterilization Facilities, which were promulgated on December 6, 1994. The decision was concluded after conducting a residual risk and technology review.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

Magnetic Tape Manufacturing

- **63.701-63.708 Subpart EE**

April 7, 2006 Volume 71: 17720-17729

This action finalizes NESHAP for Magnetic Tape Manufacturing, which was promulgated on December 15, 1994, and amended on October 24, 2005. This final action responds to public comments received and announces a final decision not to revise the standards.

Cost/Economic Impact:

There is no substantial economic cost resulting from this regulation.

Industrial Process Cooling Towers

- **63.400 Subpart Q**

April 7, 2006 Volume 71: 17729-17738

This action amends the NESHAP for Industrial Process Cooling Towers, which was promulgated on September 8, 1994. This final action responds to public comments received and announces a final decision to amend the applicability section of the rule.

Cost/Economic Impact:

There is no substantial economic cost resulting from this amendment.

Integrated Iron and Steel Manufacturing Facilities

- **63.7783-63.7852 & Tables 1-4 Subpart FFFFF**

July 13, 2006 Volume 71: 39579-39592

This action amends NESHAP for integrated Iron and Steel Manufacturing Facilities. The final amendments add a new compliance option, revise emission limitations, reduce the frequency of repeat performance tests for certain emission units, add corrective action requirements, and clarify monitoring, recordkeeping, and reporting requirements.

Cost/Economic Impact:

There is no substantial economic cost resulting from these amendments.

Area Sources: Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Copper Smelting, Primary Nonferrous Metals: Zinc, Cadmium, And Beryllium

- **63.14 Subpart A; 63.11140-63.11145 Subpart DDDDDD; 63.11146-63.11152 Subpart EEEEEE; 63.11153-63.11159 & Table 1 Subpart FFFFFF; 63.11160-63.11168 & Table 1 Subpart GGGGGG**

January 23, 2007 Volume 72: 2930-2961

This action finalizes the NESHAP for four area source categories, Polyvinyl Chloride and Copolymers Production, Primary Copper Smelting, Secondary Copper Smelting, and Primary Nonferrous Metals: Zinc, Cadmium, and Beryllium. The final NESHAP include emissions limits and/or work practice standards that reflect generally available control technology (GACT) and/or management practices in each of the area source categories.

Cost/Economic Impact:

There is no substantial economic cost resulting from these regulations.

Primary and Secondary Copper Smelting Area Sources

- **63.11148, 63.11150 Subpart EEEEEE; 63.11153, 63.11157 Subpart FFFFFF**

July 3, 2007 Volume 72: 36363-36367

This action amends the NESHAP for Primary and Secondary Copper Smelting Sources. It clarifies when certain sources are required to utilize control devices while in operation and adds "wet scrubbers"

as an available control technology. The amendment also clarifies the defining date for "new" copper smelters and corrects previous numbering and cross referencing errors.

Cost/Economic Impact:

There is no substantial economic cost resulting from these regulations.

APPENDIX B

The following amendments were published in the *Federal Register*, however, they are not being proposed for adoption by the state of Kansas:

Industrial Commercial and Institutional Boilers and Process Heaters

- **63.7507 & Appendix A Subpart DDDDD**

December 28, 2005 Volume 70: 76918-76935

This action amends the NESHAP for Industrial Commercial and Institutional Boilers and Process Heaters, which was promulgated on September 13, 2004. The amendments are in response to adverse comments made on the original final rule. The amendments improve and clarify the process for demonstrating eligibility to comply with the health-based compliance alternatives.

- **63.14 Subpart A; 63.7491-63.7575 & Table 6 Subpart DDDDD**

December 6, 2006 Volume 71: 70651-70664

This action amends a NESHAP for Industrial Commercial and Institutional Boilers and Process Heaters. This action was in response to adverse comments. The action reconsiders emissions averaging provisions and makes technical corrections.

The December 28, 2005 and December 6, 2006 amendments to section 63 Subpart DDDDD of the NESHAP for Industrial, Commercial and Industrial boilers and process heaters should not be adopted by Kansas due to recent litigation. These amendments were promulgated in 2005 and since then have been vacated and remanded for further review. The vacatur resulted from a 2005 New Source Performance Standard amendment under 40 C.F.R. Part 60 that redefined the following terms: solid waste, commercial and industrial waste, and commercial and industrial solid waste incineration units.

A court case decided on June 8, 2007 by the U.S. Court of Appeals for the District of Columbia held that the definitions portion of the NSPS rule should be vacated because it was inconsistent with the plain language of the Clean Air Act Section 129.[1] These vacated definitions are incorporated in all of the NESHAP amendments being proposed above, and that is why the amendments above were eventually vacated and remanded along with the NSPS regulation. Therefore, these amendments will be reconstructed and proposed at a later date for adoption.

[1] *Natural Resources Defense Council v. EPA*, D.C. Cir., No. 04-1385. The Court made its ruling effective on July 30, 2007. A copy of the case has been included in the reference materials.

The following are not delegable rules and are not recommended for adoption by reference:

Cross Media Electronic Reporting

- **63.91 Subpart E**

October 13, 2005 Volume 70: 59848-59889

This action establishes the framework by which EPA will accept electronic reports from regulated entities to satisfy certain document submission requirements in EPA's regulations. This rule does not mandate that regulated entities utilize electronic methods to submit documents in lieu of paper-based submissions.

General Provisions

- **63.13 Subpart A**

May 6, 2008 Volume 73: 24870-24871

This action amends 63.13(a) to correct the address for EPA Region VIII.